

HB21-1250

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Van Winkle

1 Amend printed bill, page 26, after line 18 insert:

2 "SECTION 17. In Colorado Revised Statutes, **add** part 5 to
3 article 6 of title 24 as follows:

4

PART 5

5

ENCRYPTION OF RADIO COMMUNICATIONS

6

BY GOVERNMENTAL ENTITIES

7

8 **24-6-501. Definitions.** AS USED IN THIS PART 5, UNLESS THE
9 CONTEXT OTHERWISE REQUIRES:

10 (1) "ENCRYPTION" MEANS THE ENCODING OF VOICE
11 COMMUNICATION ON AN ANALOG OR DIGITALLY MODULATED RADIO
12 CARRIER, WHICH ENCODING RENDERS THE COMMUNICATION DIFFICULT OR
13 IMPOSSIBLE TO BE MONITORED BY COMMERCIALY AVAILABLE RADIO
14 RECEIVERS OR SCANNERS.

15 (2) "GOVERNMENTAL ENTITY" MEANS AN ENTITY OF THE STATE
16 GOVERNMENT; EACH ENTITY OF THE GOVERNMENT OF EACH CITY, COUNTY,
17 AND CITY AND COUNTY; AND SPECIAL DISTRICTS, SCHOOL DISTRICTS, AND
18 STATE INSTITUTIONS OF HIGHER EDUCATION.

19 (3) "RADIO COMMUNICATIONS" MEANS ANY COMMUNICATION BY
20 WAY OF TRANSMISSION OF A RADIO FREQUENCY CARRIER TO BASE,
21 MOBILE, OR PORTABLE RADIO TRANSCEIVERS BY EITHER ANALOG OR
22 DIGITAL MODULATION.

23 (4) "SCANNER" MEANS A RADIO RECEIVER DESIGNED FOR THE
24 PURPOSE OF MONITORING MULTIPLE RADIO CARRIERS SIMULTANEOUSLY.

25 **24-6-502. Public broadcast of governmental radio**
26 **communications - encryption policy.** (1) A GOVERNMENTAL ENTITY
27 THAT ENCRYPTS ALL OF ITS RADIO COMMUNICATIONS SHALL ENACT AN
28 ENCRYPTION POLICY THAT MEETS THE REQUIREMENTS OF SUBSECTION (2)
29 OF THIS SECTION.

30 (2) (a) A GOVERNMENTAL ENTITY SHALL INCLUDE IN ITS RADIO
31 COMMUNICATIONS ENCRYPTION POLICY ACCESS TO UNENCRYPTED RADIO
32 TRANSMISSIONS FOR MEMBERS OF THE MEDIA, WHICH MAY INCLUDE A
33 PROCESS FOR GRANTING SUCH ACCESS, SUCH AS VERIFICATION OF MEDIA
34 CREDENTIALS, AND REASONABLE RESTRICTIONS ON THE USE OF RADIO
35 MONITORING EQUIPMENT.

36 (b) PRIOR TO ENACTING AN ENCRYPTION POLICY, A
37 GOVERNMENTAL ENTITY SHALL SEEK THE INPUT FROM MEMBERS OF THE
38 MEDIA WHO ARE BASED IN COLORADO."

38 Renumber succeeding sections accordingly.

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